

transferred to Federal Energy Regulatory Commission by sections 7172(a)(1)(A) and 7293 of Title 42.

## SUBCHAPTER XC—CUYAHOGA VALLEY NATIONAL PARK

### § 460ff. Establishment

For the purpose of preserving and protecting for public use and enjoyment, the historic, scenic, natural, and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Cuyahoga Valley National Park, hereafter referred to as the “park”, shall be established within six months after December 27, 1974. In the management of the park, the Secretary of the Interior (hereafter referred to as the “Secretary”) shall utilize the park resources in a manner which will preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public.

(Pub. L. 93-555, §1, Dec. 27, 1974, 88 Stat. 1784; Pub. L. 106-291, title I, §149(c), Oct. 11, 2000, 114 Stat. 956.)

#### AMENDMENTS

2000—Pub. L. 106-291 substituted “National Park” for “National Recreation Area” and substituted “park” for “recreation area” wherever appearing.

#### REDESIGNATION OF CUYAHOGA VALLEY NATIONAL RECREATION AREA

Pub. L. 106-291, title I, §149(a), (b), Oct. 11, 2000, 114 Stat. 956, provided that:

“(a) REDESIGNATION.—The Cuyahoga Valley National Recreation Area is redesignated as Cuyahoga Valley National Park.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Cuyahoga Valley National Recreation Area is deemed to be a reference to Cuyahoga Valley National Park.”

### § 460ff-1. Acquisition of land

#### (a) Composition and boundaries; boundary revisions; certain specific property

The park shall comprise the lands and waters generally depicted on the map entitled “Boundary Map, Cuyahoga Valley National Park, Ohio”, numbered 644-80,054 and dated July 1986, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the main public library of Akron, Ohio, and Cleveland, Ohio. After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, the Secretary may make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register: *Provided*, That with respect to the property known as the Hydraulic Brick Company located in Independence, Ohio, the Secretary shall have the first right of refusal to purchase such property for a purchase price not exceeding the fair market value of such property on the date it is offered for sale. When acquired such prop-

erty shall be administered as part of the park, subject to the laws and regulations applicable thereto. The park shall also comprise any lands designated as “City of Akron Lands” on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the park.

#### (b) Manner of acquisition; scenic easements; donation of State lands; private lands essential to area; transfer of Federal property to Secretary

Within the boundaries of the park, the Secretary, after consultation with the Governor of the State of Ohio and the Advisory Commission established in section 460ff-4<sup>1</sup> of this title, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. The Secretary may not acquire fee title to any lands included within the park in 1986 which are designated on the map referred to in subsection (a) of this section as “Scenic Easement Acquisition Areas”. The Secretary may acquire only scenic easements in such designated lands. Unless consented to by the owner from which the easement is acquired, any such scenic easement may not prohibit any activity, the subdivision of any land, or the construction of any building or other facility if such activity, subdivision, or construction would have been permitted under laws and ordinances of the unit of local government in which such land was located on April 1, 1986, as such laws and ordinances were in effect on such date. Any lands or interests owned therein, as well as any lands hereafter acquired, by the State of Ohio or any political subdivision thereof (including any park district or other public entity) within the boundaries of the park may be acquired only by donation or exchange for equal value. In determining the exchange value of lands of the State or any political subdivision thereof under this subsection, the Secretary shall not include in the value of those lands amounts paid from the land and water conservation fund, if any, for the original acquisition of those lands by the State or political subdivision. The Secretary shall not acquire privately owned lands which are held and used for public recreation uses unless he determines that such lands are essential to carry out the purposes of this subchapter. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the park.

#### (c) Scenic easements or other interests in improved property; prerequisites to acquisition of fee title

With respect to improved properties, as defined in this subchapter, the Secretary may acquire scenic easements or such other interests as, in his judgment, are necessary for the purposes of the park. Fee title to such improved properties shall not be acquired unless the Sec-

<sup>1</sup> See References in Text note below.

retary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the park, or unless such acquisition is necessary to fulfill the purposes of this subchapter.

**(d) Acquired lands partly outside boundaries; exchange for non-Federal lands within boundaries; report to General Services Administration for disposal**

When any tract of land is only partly within the boundaries of the park, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41: *Provided*, That no disposal shall be for less than the fair market value of the lands involved.

**(e) “Improved property” defined; determination by Secretary**

For the purposes of this subchapter, the term “improved property” means: (i) a detached single family dwelling, the construction of which was begun before January 1, 1975 (hereafter referred to as “dwelling”), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1975. In determining when and to what extent a property is to be considered an “improved property”, the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1975, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date. In applying this subsection with respect to lands and interests therein added to the park by action of the Ninety-fifth Congress, the date “January 1, 1978,” shall be substituted for the date “January 1, 1975,” in each place it appears.

**(f) Retention by owner of right of use and occupancy for noncommercial residential or agricultural purposes; terms; payment of fair market value; termination by Secretary for use inconsistent with statutory purpose**

The owner of an improved property, as defined in this subchapter, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agricultural purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof,

for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this subchapter, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

**(g) Offers to sell by owners claiming undue hardship**

In exercising his authority to acquire property under this subchapter, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the park to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(Pub. L. 93-555, §2, Dec. 27, 1974, 88 Stat. 1784; Pub. L. 94-578, title III, §323(a), Oct. 21, 1976, 90 Stat. 2742; Pub. L. 95-625, title III, §315(a), (d), (f), Nov. 10, 1978, 92 Stat. 3483; Pub. L. 96-87, title IV, §401(g), Oct. 12, 1979, 93 Stat. 666; Pub. L. 99-606, §16, Nov. 6, 1986, 100 Stat. 3468; Pub. L. 102-431, §1, Oct. 23, 1992, 106 Stat. 2211; Pub. L. 103-437, §6(a)(5), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 106-291, title I, §149(b), (c)(2), Oct. 11, 2000, 114 Stat. 956.)

REFERENCES IN TEXT

Section 460ff-4 of this title, referred to in subsec. (b), was in the original “section 5 of this Act” meaning section 5 of Pub. L. 93-555 which was repealed and section 6 was redesignated section 5 by Pub. L. 106-291, title I, §149(d), Oct. 11, 2000, 114 Stat. 956.

CODIFICATION

In subsec. (d), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949, as amended” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2000—Pub. L. 106-291, §149(c)(2), substituted “the park” for “the recreation area” wherever appearing and “The park” for “The recreation area” in subsec. (a).

Subsec. (a). Pub. L. 106-291, §149(b), substituted “The park shall” for “The recreational area shall” and “National Park” for “National Recreation Area”.

1994—Subsec. (a). Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of the United States Congress”.

1992—Subsec. (b). Pub. L. 102-431 substituted “within the boundaries of the recreation area may be acquired only by donation or exchange for equal value. In deter-

mining the exchange value of lands of the State or any political subdivision thereof under this subsection, the Secretary shall not include in the value of those lands amounts paid from the land and water conservation fund, if any, for the original acquisition of those lands by the State or political subdivision” for “may be acquired only by donation”.

1986—Subsec. (a). Pub. L. 99-606, §16(1), (2), substituted “numbered 644-80,054 and dated July 1986” for “numbered 655-90,001-A and dated May 1978” and inserted provisions relating to City of Akron Lands on the map referred to in first sentence offered as donations or privately owned, and revision of such map.

Subsec. (b). Pub. L. 99-606, §16(3), inserted provisions prohibiting acquisition of fee title to any lands designated on the map referred to in subsection (a) as “Scenic Easement Acquisition Areas”, but acquisition of only scenic easement with no prohibition on activities unless consented to by owner, if such activity, etc. would have been permitted under laws of the local government on Apr. 1, 1986.

1979—Subsec. (a). Pub. L. 96-87 substituted “numbered 655-90,001-A” for “numbered 90,001-A”.

1978—Subsec. (a). Pub. L. 95-625, §315(a), (f), substituted reference to Boundary Map “numbered 90,001-A, and dated May 1978” for “numbered 90,000-A, and dated September 1976” and inserted provision for land acquisition of the Hydraulic Brick Company and administration of the property as part of the recreation area.

Subsec. (e). Pub. L. 95-625, §315(d), provided for substitution of date “January 1, 1978” for “January 1, 1975” wherever appearing in application of the subsec. to lands and interests therein added to the recreation area by action of the Ninety-fifth Congress.

1976—Subsec. (a). Pub. L. 94-578 substituted “‘Boundary Map, Cuyahoga Valley National Recreation Area, Ohio’, numbered 90,000-A, and dated September 1976” for “‘Boundary Map, Cuyahoga Valley National Recreation Area, Ohio’, numbered NRA-CUYA-20,000-A, and dated December 1974”.

## § 460ff-2. Land acquisition plan

### (a) Submission to Congressional committees; time; contents

Within one year after December 27, 1974, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

- (i) the lands and areas which he deems essential to the protection and public enjoyment of this park,
- (ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this park, and
- (iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

### (b) Congressional intent for land acquisition completion

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this subchapter within six years after December 27, 1974.

(Pub. L. 93-555, §3, Dec. 27, 1974, 88 Stat. 1786; Pub. L. 106-291, title I, §149(c)(2), Oct. 11, 2000, 114 Stat. 956.)

#### AMENDMENTS

2000—Subsec. (a)(i), (ii). Pub. L. 106-291 substituted “park” for “recreation area”.

#### CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

## § 460ff-3. Administration

### (a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources

The Secretary shall administer the park in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented. In the administration of the park, the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter.

### (b) Federal-State cooperative agreements for police and fire protection

The Secretary may enter into cooperative agreements with the State of Ohio, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

### (c) Water resource developments; restoration of vegetative cover to eliminate erosion

(1) The authority of the Secretary of the Army to undertake or contribute to water resource development, including erosion control and flood control, on land or waters within the park shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purposes of this subchapter and the purposes of existing statutes dealing with water and related land resource development.

(2) The Secretary is authorized and directed, in cooperation with the Secretary of Agriculture, the State of Ohio, and affected local governments, to undertake a program of and treatment for the purpose of restoring suitable vegetative cover to substantially eliminate erosion from all lands, public and private, within the authorized boundaries of the park. In the case of any private lands, within such authorized boundaries such treatment may be undertaken only with the consent of the owner thereof and shall be contingent upon assurances that such land treatment will be maintained by the owner for a period of not less than ten years. The Secretary shall, in conjunction with such program, take such actions as may be required to correct areas of ecological degradation which create hazards to health and safety.

**(d) Inventory and evaluation of historical, cultural and architectural sites and structures; programs for preservation, restoration, interpretation and utilization**

The Secretary, in consultation with the Governor of the State of Ohio, shall inventory and evaluate all sites and structures within the park having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

**(e) Donations for services and facilities**

Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purposes of providing services and facilities which he deems consistent with the purposes of this subchapter.

**(f) Zoning laws and ordinances; consultation and assistance with local government or intergovernmental organization in establishment; objectives; technical aid**

The Secretary may, on his own initiative, or at the request of any local government (or intergovernmental organization) having jurisdiction over land located within or adjacent to the park, assist and consult with the appropriate officers and employees of such local government (or intergovernmental organization) in establishing zoning laws or ordinances which will assist in achieving the purposes of this subchapter. In providing assistance pursuant to this subsection, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of prohibiting the commercial and industrial use (other than a use for commercial farms and orchards) of all real property adjacent to the park;

(2) aid in preserving the character of the park by appropriate restrictions on the use of real property in the vicinity including, but not limited to, restrictions upon: building and construction of all types; signs and billboards; the burning of cover; cutting of timber (except tracts managed for sustained yield); removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the aesthetic character of the park; and

(3) have the effect of providing that the Secretary shall receive notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.

Assistance under this subsection may include payments for technical aid.

(Pub. L. 93-555, §4, Dec. 27, 1974, 88 Stat. 1787; Pub. L. 95-625, title III, §315(e), Nov. 10, 1978, 92 Stat. 3483; Pub. L. 99-658, title I, §104(j)(1), Nov. 14, 1986, 100 Stat. 3677; Pub. L. 106-291, title I, §149(c)(2), Oct. 11, 2000, 114 Stat. 956.)

AMENDMENTS

2000—Pub. L. 106-291 substituted “park” for “recreation area” wherever appearing.

1986—Subsec. (c). Pub. L. 99-658 designated existing provision as par. (1) and added par. (2).

1978—Subsec. (f). Pub. L. 95-625 inserted in introductory text “(or intergovernmental organization)” after “local government” in two places, and last sentence providing that assistance may include payments for technical aid.

APPROPRIATIONS FOR ROADS

Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 996, as amended by Pub. L. 106-291, title I, §149(b), Oct. 11, 2000, 114 Stat. 956, provided in part that: “appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Park shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States”.

**§ 460ff-4. Repealed. Pub. L. 106-291, title I, § 149(d), Oct. 11, 2000, 114 Stat. 956**

Section, Pub. L. 93-555, §5, Dec. 27, 1974, 88 Stat. 1788, established the Cuyahoga Valley National Recreation Area Advisory Commission.

**§ 460ff-5. Authorization of appropriations; master plan**

**(a) Limitation on acquisition of lands and interests in lands**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not more than \$70,100,000 for the acquisition of lands and interests in lands.

**(b) Development of plan; consultation with State; transmittal to Congressional committees; contents**

For the development of the park, including improvements of properties acquired for purposes of this subchapter, there is authorized to be appropriated not more than \$13,000,000. Within one year from the date of establishment of the park pursuant to this subchapter, the Secretary shall, after consulting with the Governor of the State of Ohio, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the park consistent with the objectives of this subchapter, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the area.

**(c) Restoration of vegetative cover to eliminate erosion**

There are hereby authorized to be appropriated not more than \$500,000 for fiscal year 1986, \$1,000,000 for fiscal year 1987, \$1,500,000 for fiscal year 1988, and \$1,750,000 for fiscal year 1989, to carry out the provisions of section 460ff-3(c)(2) of this title. Any amounts authorized to be appropriated for any fiscal year under this subsection which are not appropriated for that fiscal year shall remain available for appropriation in succeeding fiscal years.

(Pub. L. 93-555, §5, formerly §6, Dec. 27, 1974, 88 Stat. 1788; Pub. L. 94-578, title III, §323(b), Oct. 21, 1976, 90 Stat. 2742; Pub. L. 95-625, title III,

§ 315(b), (c), Nov. 10, 1978, 92 Stat. 3483; Pub. L. 99-658, title I, § 104(j)(2), Nov. 14, 1986, 100 Stat. 3678; renumbered § 5 and amended Pub. L. 106-291, title I, § 149(c)(2), (d), Oct. 11, 2000, 114 Stat. 956.)

#### PRIOR PROVISIONS

A prior section 5 of Pub. L. 93-555 was classified to section 460ff-4 of this title, prior to repeal by Pub. L. 106-291.

#### AMENDMENTS

2000—Subsec. (b). Pub. L. 106-291, § 149(c)(2), substituted “park” for “recreation area” wherever appearing in introductory provisions.

1986—Subsec. (c). Pub. L. 99-658 added subsec. (c).

1978—Subsec. (a). Pub. L. 95-625, § 315(b), increased appropriations authorization to \$70,100,000 from \$41,100,000.

Subsec. (b). Pub. L. 95-625, § 315(c), substituted “For the development of the recreation area, including improvements of properties acquired for purposes of this subchapter, there is authorized to be appropriated not more than \$13,000,000” for “For the development of essential public facilities there are authorized to be appropriated not more than \$500,000”.

1976—Subsec. (a). Pub. L. 94-578 substituted “\$41,100,000” for “\$34,500,000”.

#### CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

#### EXPENDITURE OF FUNDS TO COMMENCE OCTOBER 1, 1977

Section 323(c) of Pub. L. 94-578 provided that: “No funds authorized by this section [amending sections 460ff-1(a) and 460ff-5 of this title] in excess of those sums previously authorized by the Act of December 27, 1974, [this section as originally enacted], shall be available for expenditure before October 1, 1977.”

### SUBCHAPTER XCI—HELLS CANYON NATIONAL RECREATION AREA

#### § 460gg. Establishment

##### (a) In general

To assure that the natural beauty, and historical and archeological values of the Hells Canyon area and the seventy-one-mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with portions of certain of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Hells Canyon National Recreation Area.

##### (b) Boundaries; publication in Federal Register

The Hells Canyon National Recreation Area (hereinafter referred to as the “recreation area”), which includes the Hells Canyon Wilderness (hereinafter referred to as the “wilderness”), the components of the Wild and Scenic Rivers System designated in section 3 of this

Act, and the wilderness study areas designated in section 460gg-5(d) of this title, shall comprise the lands and waters generally depicted on the map entitled “Hells Canyon National Recreation Area” dated May 1978, which shall be on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as “the Secretary”), shall, as soon as practicable, but no later than eighteen months after December 31, 1975, publish a detailed boundary description of the recreation area, the wilderness study areas designated in section 460gg-5(d) of this title, and the wilderness established in section 460gg-1 of this title in the Federal Register.

(Pub. L. 94-199, § 1, Dec. 31, 1975, 89 Stat. 1117; Pub. L. 95-625, title VI, § 607, Nov. 10, 1978, 92 Stat. 3520.)

#### REFERENCES IN TEXT

Section 3 of this Act, referred to in subsec. (b), is section 3 of Pub. L. 94-199. Subsec. (a) of section 3 added pars. (11) and (12) of section 1274(a) of this title, relating to components of the national wild and scenic rivers system. Subsec. (b) of section 3, relating to the administration of those segments of the Snake and Rapid Rivers designated as wild or scenic river areas, is set out as a note under section 1274 of this title.

#### AMENDMENTS

1978—Subsec. (b). Pub. L. 95-625 substituted “May 1978” for “September 1975” to clarify that the boundary between Saulsberry and Freezeout Saddles is the hydrologic divide.

#### SEPARABILITY

Section 17 of Pub. L. 94-199 provided that: “If any provision of this Act [this subchapter] is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.”

#### § 460gg-1. Wilderness designation

##### (a) Map designation

The lands depicted as the “Hells Canyon Wilderness” on the map referred to in section 460gg(b) of this title are hereby designated as wilderness.

##### (b) Application of Wilderness Act

The wilderness designated by this subchapter shall be administered by the Secretary in accordance with the provisions of this subchapter or in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.], whichever is the more restrictive, except that any reference in such provisions of the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this subchapter. The provisions of section 460gg-6(b) and section 460gg-8 of this title shall apply to the wilderness. The Secretary shall make such boundary revisions to the wilderness as may be necessary due to the exercise of his authority under subsection 3(b) of this Act.

(Pub. L. 94-199, § 2, Dec. 31, 1975, 89 Stat. 1117.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), was in the original “this Act”, which is Pub. L. 94-199, Dec. 31, 1975, 89 Stat. 1117, which enacted sections 460gg to 460gg-13 of this title, amended sections 1274 and 1276 of